

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DAVID JAROSLAWICZ, Individually, and on behalf)
of all others similarly situated,)

Plaintiffs,)

v.)

M&T BANK CORPORATION, HUDSON CITY)
BANCORP, INC., ROBERT G. WILMERS, RENÉ F.)
JONES, MARK J. CZARNECKI, BRENT D. BAIRD,)
C. ANGELA BONTEMPO, ROBERT T. BRADY,)
T. JEFFERSON CUNNINGHAM III, GARY N.)
GEISEL, JOHN D. HAWKE, JR., PATRICK W.E.)
HODGSON, RICHARD G. KING, JORGE G.)
PEREIRA, MELINDA R. RICH, ROBERT E.)
SADLER, JR., HERBERT L. WASHINGTON,)
DENIS J. SALAMONE, MICHAEL W. AZZARA,)
VICTORIA H. BRUNI, DONALD O. QUEST,)
JOSEPH G. SPONHOLZ, CORNELIUS E.)
GOLDING, WILLIAM G. BARDEL, and SCOTT A.)
BELAIR,)

Defendants.)

Civil Action No. 15–897–RGA

DEFENDANTS’ MOTION TO DISMISS THE AMENDED COMPLAINT

Defendants M&T Bank Corporation, Hudson City Bancorp, Inc., Robert G. Wilmers, René F. Jones, Mark J. Czarnecki, Brent D. Baird, C. Angela Bontempo, Robert T. Brady, T. Jefferson Cunningham III, Gary N. Geisel, John D. Hawke, Jr., Patrick W.E. Hodgson, Richard G. King, Jorge G. Pereira, Melinda R. Rich, Robert E. Sadler, Jr., Herbert L. Washington, Denis J. Salamone, Michael W. Azzara, Victoria H. Bruni, Donald O. Quest, Joseph G. Sponholz, Cornelius E. Golding, William G. Bardel, and Scott A. Belair (collectively, “Defendants”), by and through their undersigned counsel, hereby move pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b) and the Private Securities Litigation Reform Act, 15 U.S.C. § 78u–4 et seq., to dismiss the Amended Class Action Complaint of Lead Plaintiff the Belina Family and additional plaintiff Jeff Krublit, individually and on behalf of all others similarly situated, D.I. 54, because it fails to

state a claim upon which relief can be granted. Defendants have filed an opening brief in support of their motion.

WHEREFORE, defendants respectfully request that their motion to dismiss be granted.

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